

REMARKS

Entry in the above amendment and reconsideration of this application are requested. Upon entry of the amendment, this application will contain claims 1-30 pending and under consideration. Claims 5 and 17 have been amended.

Claims 1-17 stand rejected under 35 USC §112, second paragraph, as being indefinite. The Action asserts that the phrases "an upper end" and "a lower end" lack proper antecedent basis because the specification only refers to these as an upper frame member or a lower frame member. However, the Examiner's attention is directed to the Summary of the Invention at page 4, wherein the upper end and the lower end language is utilized. Accordingly, this language in claim 1 has proper support in the specification. As well, referring to the drawings, the medicine organizers shown clearly have such an upper end and lower end.

In another aspect, the Action notes that "said lower frame" and "said upper frame" in claims 5-17 lack proper antecedent basis. In response, claim 5 has been amended so as to insert language that provides proper antecedent basis for claims 6-12, 15 and 16 which all depend therefrom. Also, claims 13 and 17 have been amended to change "upper frame" to "organizer body" and "bottle storage unit", respectively. These terms have direct basis.

In view of the foregoing amendment and remarks, reconsideration and withdrawal of this rejection are solicited.

Claims 1-3, 13 and 18 stand rejected under 35 USC § 102(b) based upon an assertion that they anticipated by Menendez, U.S. Patent No. 4,694,961. However,

Menendez is clearly non-analogous art to the present application, and is not properly applicable to the claims. In particular, claims 1-3, 13 and 18 each relate to a medicine organizer useful for storing and dispensing pills. On the other hand, Menendez resides in an entirely different art, relating to cupcake pans. One working in the art of medicine organizers and their design, would clearly not refer to cupcake pan art in arriving at design features. Accordingly, Menendez is inapplicable to the claims, as it teaches nothing with respect to a medicine organizer as claimed. Menendez thus fails to anticipate claims 1-3, 13 and 18. Withdrawal of this rejection is therefore solicited.

Claims 1-3 and 18 stand rejected under 35 USC § 102(b) based upon Smalley, U.S. Patent No. 3,160,306. However, Smalley relates to a bottle beverage holder and transporter. On the other hand, the subject claims all relate to a medicine organizer. Similar to the discussions above, one skilled in the art designing a medicine organizer would not refer to beverage bottle trays or their related art. As such, Smalley is inapplicable to the present claims.

Reconsideration and withdrawal of this rejection based on Smalley, which does not teach anything with respect to a medicine organizer as claimed, are thus requested.

Claims 1, 2, 4-6, 24, 26, and 28 stand rejected under 35 USC § 102(b) based upon an assertion that they are anticipated by Denney, U.S. Patent No. 4,749,085. This rejection is traversed because Denney fails to teach each element of the claims as required for anticipation. With regard to these claims, Denney utterly fails to teach the required feature of "a bottle storage unit of said organizer

body, said bottle storage unit configured to retain a plurality of pill bottles in fixed locations". Accordingly, withdrawal of the subject rejection over Denney is solicited.

Claim 14 stands rejected under 35 USC § 103(a) upon an assertion that is unpatentable over Menendez in view of Official Notice. This rejection is respectfully traversed. As noted above, Menendez has nothing to do with the medicine organizer art and rather relates to cupcake trays and the like. Further, the Action attempts to take official notice that it would have been obvious to provide a handle having a lateral position to facilitate a nestable relationship of the organizers of Menendez. However, the Menendez patent doesn't even teach a pivotable connection of a handle to the organizers. Rather, the handles are in a fixed, side position on the cupcake trays. Therefore, it is submitted that it is improper to assert the Official Notice set forth in the Office Action. For these reasons, withdrawal of the rejection of claim 14 is solicited.

Claim 17 stands rejected under 35 USC § 103(a) based upon an assertion that it is unpatentable over Smalley in view of Coy, U. S. Patent No. 5,062,531. This rejection is also respectfully traversed. As noted above, Smalley is non-analogous art as it relates not to medicine organizers or analogous devices, but rather to a beverage carrying tray. Accordingly, its combination with Coy, which relates to a medicine caddy, is an improper of amalgamation of two different arts. Still further, in column 1, Coy sets his invention up as an alternative to medicine trays including preorganized pills (see e.g. lines 31-46). Accordingly, Coy teaches away any combination of his medicine tray will a pill storage unit such as defined in the present claims. Moreover, in claim 1 and thus in its dependent claim 17, the

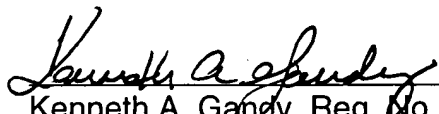
organizer body has an upper end having the upper frame, which is nestable with the lower end and lower frame member. There is no disclosure of any structure of the tray of Coy that would provide a nestable relationship with the beverage bottle tray of Smalley, nor is there any motivation derived from the references themselves to do so even if the references could be combined. For these reasons, withdrawal of the subject rejection of claim 17 is solicited.

The indications of allowable subject matter are acknowledged with appreciation, however, for the reasons above, it is believed that the application and claims are in condition for allowance in their present form. Action to that end is therefore solicited.

The Examiner is invited to telephone the undersigned attorney if there are any questions about this submission or other matters that may be handled in that fashion to expedite this application.

Respectfully submitted,

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